

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JEFFERY KREIDLER**

**Plaintiff,**

**V.**

**OFFICER SMITH, ET AL.**

## Defendants.

**2:07-CV-263-WKW**

**ANSWER**

Come now the Defendants, Michael Smith and Willie J. Thomas, by and through counsel, Troy King, Attorney General of Alabama, and Jack Wallace, Jr., Assistant Attorney General, to file their answer to the complaint.

1. The Defendants deny each and every material allegation of the complaint and demand strict proof thereof.

## **AFFIRMATIVE DEFENSES**

2. The Defendants deny that they violated the Plaintiff's constitutional rights.

3. The Defendants deny each and every material allegation not specifically admitted herein and demand strict proof thereof.

4. The complaint failed to state a claim for which relief may be granted.

5. The Defendants are immune from suit under the Eleventh Amendment to the United States Constitution as well as Article I, Section 14 of the Alabama Constitution of 1901.

6. The Defendants are immune from suit due to qualified immunity and state agent immunity.

7. The Plaintiff can not hold the Defendants liable under the theory of respondeat superior.

Respectfully submitted on this the 29<sup>th</sup> day of May, 2007.

Respectfully submitted,

TROY KING  
Attorney General

/s/ Jack Wallace, Jr. \_\_\_\_\_  
Jack Wallace, Jr.  
Assistant Attorney General

ADDRESS OF COUNSEL:

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11 South Union Street  
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(334) 242-2433 - fax

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this the 29<sup>th</sup> day of May 2007, electronically filed the foregoing with the Clerk of Court using the CM/ECF system and I further certify that I have served a copy of the same upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Jeffery Kreidler, AIS 227770  
Elmore Correctional Facility  
POB 8  
Elmore, AL 36025

/s/ Jack Wallace, Jr.  
Jack Wallace, Jr.  
Assistant Attorney General